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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,971	12/11/2003	Randall W. Sencaj	DP-309792	8573

22851 7590 03/31/2011

Delphi Technologies, Inc.
M/C 480-410-202
P.O. Box 5052
Troy, MI 48007

EXAMINER
TO, TUAN C

ART UNIT	PAPER NUMBER
3663	

MAIL DATE	DELIVERY MODE
03/31/2011	PAPER

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RANDALL W. SENCAJ, MARK A. KADY,
VICTOR V. CHERNETSKY, SPIROS TRIANTAFYLLOPOULOS,
DANIEL D. KIEL and DEHUA CUI

Appeal 2009-012855
Application 10/732,971
Technology Center 3600

Before JENNIFER D. BAHR, STEVEN D.A. MCCARTHY, and
KEN B. BARRETT, *Administrative Patent Judges*.

McCARTHY, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

The Appellants appeal under 35 U.S.C. § 134 from the Examiner's decision finally rejecting claims 14-26 under 35 U.S.C. § 102(b) as being anticipated by Millington (US 6,397,145 B1, issued May. 28, 2002). Claims 1-13, 27-31 and 39-44 are withdrawn from consideration. We have jurisdiction over the appeal under 35 U.S.C. § 6(b).

We AFFIRM.

Claim 14 is illustrative of the claims on appeal.

> 14. A navigation system for use in a vehicle, the navigation system comprising:
>
> a display screen;
>
> a global positioning system (GPS) receiver configured to determine a position of the vehicle;
>
> a data retrieval device configured to retrieve navigation data from a data storage medium, the navigation data representing a sequence of route segments; and
>
> a processor-based subsystem operatively coupled to the GPS receiver, the data retrieval device, and the display device, said processor-based subsystem comprising a graphic user interface (GUI) for outputting a GUI screen to said display screen, said output corresponding to a GUI screen; *said processor-based subsystem configured to determine a position of the vehicle;*
>
> *identify a route segment on which the vehicle is located as a function of the position of the vehicle;*
>
> *render a first GUI screen comprising the identified route segment;*
>
> *determine a second GUI screen that comprises a previous route segment or a*

> *subsequent route segment that does not include the identified route segment;*
>
> *receive a user input via an input device; and*
>
> *render the second GUI screen in response to the user input.*

(Italics added).

ISSUES

The Appellants do not argue separately for the patentability of dependent claims 15-19 or 22-25. (Br. 6; *see generally* Br. 4-6). Claims 14 and 21 are each representative of those of their dependent claims not separately argued.

This appeal turns on the following issues:

First, does Millington describe a processor-based subsystem configured to receive a user input from a user device and render a second GUI screen in response to the user input as properly construed from claims 14 and 21, the user device being a keyboard as properly construed from claims 20 and 26? (Br. 6).

Second, does Millington describe the exclusion of the identified route segment in the second GUI screen as properly construed from claim 14? (*See id.*)

Third, does Millington describe a subsequent route segment that does not include the location of the vehicle in the second GUI screen as properly construed from claim 21? (*See id.*)

FINDINGS OF FACTS

The record supports the following findings of fact ("FF") by a preponderance of the evidence.

1. We adopt the Examiner's findings in the Examiner's Answer at page 4, lines 7-8, that Millington describes determining the position of a vehicle by a GPS receiver *38*. (*See also* Millington, col. 3, ll. 47-65 and fig. 1).

2. Millington describes "the navigation system *20* . . . includes an Operator Interface Module ("OIM") *22* . . . [OIM] *22* also includes input devices 28, preferably a plurality of buttons and directional keypad, but alternatively including a mouse, keyboard, keypad, remote device or microphone." (Millington, col. 3, ll. 22-30).

3. We also adopt the Examiner's finding at page 4, lines 12-15, of the Answer that "in column 4, lines 2-25, Millington teaches that one user . . . uses input device (28) for entering a specific destination relative to the database (36) of roads, and the navigation system (20) then displays a recommended route as well as turn-by-turn instructions to the user." (*See also* Millington, col. 4, ll. 2-25). In a similar vein, we adopt the Examiner's findings at page 8, lines 12-14 of the Examiner's Answer, "Millington discloses that the user . . . uses the input device (28) as [a] keypad for entering a specific destination relative to the database (36) of roads (see figure 1, keypad 28).

4. The Specification at page 4, paragraph [0017] states "[a]t any given time, the vehicle navigation system displays a single route segment, defined either as the distance between consecutive turn points or as a fixed distance."

5. We adopt the Examiner's findings starting at page 7, line 20 and ending at page 8, line 6 of the Examiner's Answer:

> Millington teaches that the user selects a destination from a database using a user input device. The navigation system (20) with the computer module (30) (Millington, figure 1) calculates and displays a recommend[ed] route with turn-by-turn instructions on the display (24), guiding the driver of the vehicle (21) to the desired destination. The screen displays 68 and 68['] shown in Figures 4 and 5 [display] complex maneuver instructions to the driver. In figure 4, screen 68 comprises the identified route segment A, and the route segment B. In figure 5, the screen 68' is provided to comprise the previous route segment B or a subsequent route segment that does not include the identified route segment A.

6. We adopt the Examiner's findings at page 8, lines 18 and 19 of the Examiner's Answer that "Millington teaches that screen *68'* comprises route segments B and C" and that that route segment C of screen *68'* in Figure 5, "does not [comprise] the location of the vehicle."

7. Millington discloses that, "as the user completes the first maneuver instruction 7[0]', the maneuver instruction 7[0]' disappears and only the second maneuver instruction 70" is displayed." (Millington, col. 5, ll. 60-62).

8. Millington discloses "[t]he display 24 is shifted from the previous complex maneuver instruction view 68 (FIG. 4) to the next complex maneuver instruction view 68' (FIG. 5) while the vehicle 21 is in the process of completing the second maneuver instruction 70"." (Millington, col. 6, ll. 41-45).

9. We adopt the Examiner's findings at page 4, lines 20-22, that "figure 4 shows the first GUI screen includes the sequence (or segments) A and B, then when the second GUI screen displayed in figure 5, the segment B starts before the segment C."

ANALYSIS

First Issue

The Appellants contend that "Millington is not configured to receive user input and render a second GUI screen that does not include the identified route segment on which the vehicle is located." (Br. 6). This argument appears to be based on a misinterpretation of claims 14 and 21.

Claim 14 recites a "processor-based subsystem configured to . . . receive a user input via an input device; and render the second GUI screen in response to the user input." Claim 21 recites "receiv[ing] a user input using the input device; and display[ing] a second GUI screen in response to the user input" as recited in claim 21. Both recitations are broad enough to encompass using an input device to input data into a processor-based subsystem, after which the processor-based subsystem renders or displays a second GUI screen. Neither claim requires any *causation* between the receipt of the user input and the rendering or display of the second GUI. The Appellants point to nothing in the Specification requiring a narrower interpretation.

The Examiner correctly finds that Millington's navigation system *20* meets these limitations. Millington's navigation system *20* includes an input device *28* used to enter a destination. (FF 3). The navigation system *20* then provides first and second GUI screens, display screens *68* and 68′ of Figures

4 and 5 respectively. (FF 5). In regards to claims 20 and 26, the Examiner correctly finds Millington's input device *28* is a keypad for entering a specific destination relative to the database of roads. (FF 3; *see* FF 2)

Second Issue

Claim 14 also recites a "processor-based subsystem configured to . . . *identify a route segment on which the vehicle is located* as a function of the position of the vehicle; render a first GUI screen comprising the *identified route segment*; [and] determine a second GUI screen that comprises a previous route segment or a subsequent route segment that *does not include the identified route segment*." (Italics added). The broadest reasonable construction of the term "the identified route segment" includes the following: once one identifies a route segment on which the vehicle is located, that route remains the identified route segment even if the vehicle subsequently moves away from the route segment. Although other interpretations are possible, this interpretation is within the scope of reasonable interpretations. The Appellants point to nothing in the Specification requiring a narrower interpretation.

The Examiner finds that "figure 4 shows the first GUI screen includes the sequence (or segments) A and B, then when the second GUI screen displayed in figure 5, the segment B starts before the segment C." (FF 9). The Examiner also correctly finds GUI screen *68'* of Figure 5 includes "a subsequent route segment that does not include the identified route segment A." (FF 5). As such, the Examiner correctly finds the second GUI screen *68'* in Figure 5 includes a subsequent route segment, e.g. route segment C, and not the identified route segment A. (*See* FF 5-9).

Third Issue

Claim 21 recites the term "said second GUI screen *comprising one of* a previous route segment and *a subsequent route segment that does not include the location of the vehicle*." (Italics added). The claim is broad enough to encompass a second GUI screen which includes a subsequent route segment, where the subsequent route segment does not include the location of the vehicle. Claim 21 refers to a subsequent route segment that does not include the location of the vehicle, not a subsequent GUI screen that does not include the location of the vehicle. The recitation that the second GUI screen comprises a previous route segment and a subsequent route segment implies that the route segments are components of the second GUI screen. The second GUI screen is not limited to a single route segment. Once again, the Appellants point to nothing in the Specification requiring a narrower interpretation.

The Examiner finds "Millington teaches that the screen 68' comprises route segments B and C, and does not [comprise] the location of the vehicle." (Ans. 8; FF 6). The location of the vehicle in the second GUI screen *68'* in Figure 5 is at route segment B, not route segment C. (FF 6-8). As such, Millington's second GUI screen *68'* route segment C is a subsequent route segment that does not include the location of the vehicle. (FF 5-9).

The Appellant contends "[c]laim 21 is directed to Applicants' navigation system, which . . . is configured to . . . display a second GUI screen that does not include the location of the vehicle." (Br. 6). Based on the broadest reasonable construction of claim 21, however, it is not relevant that "Millington is limited to displaying only the view that includes the

current maneuver or instruction." (*Id.*). Although Millington displays a route segment including the current maneuver or instruction, Millington also displays a subsequent route segment including a subsequent maneuver as well. (*See* FF 5-9). The Appellants' arguments are not persuasive when considered in view of a correct interpretation of the claim.

CONCLUSION

First, Millington describes a processor-based subsystem configured to receive a user input from a user device and render a second GUI screen in response to the user input as properly construed from claims 14 and 21, the user device being a keyboard as properly construed from claims 20 and 26. *Second,* Millington describes the exclusion of the identified route segment in the second GUI screen as properly construed from claim 14. We sustain the rejection of claims 14-20 under § 102(b) as being anticipated by Millington.

Third, Millington describes a subsequent route segment that does not include the location of the vehicle in the second GUI screen as properly construed from claim 21. We sustain the rejection of claims 21-26 under § 102(b) as being anticipated by Millington.

DECISION

We AFFIRM the Examiner's decision finally rejecting claims 14-26.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1).

AFFIRMED

Klh